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**ARIZONA ATTORNEY GENERAL**

April 8, 1986

The Honorable Jose Luis Machado  
Santa Cruz County Attorney  
Chenoweth and Loma Streets  
Nogales, Arizona 85621-2792

Re: I86-038 (R85-167)

Dear Mr. Machado:

This letter is in response to your inquiry regarding whether each landowner signing a petition requesting withdrawal from a fire district pursuant to A.R.S. §§ 9-1007 and 9-1007.01 must tender the \$100 fee specified in A.R.S. § 9-1007.01. You have also inquired whether a petition which describes property by legal subdivisions provides an adequate description of the property.

We first consider whether each landowner who signs a petition for withdrawal from a fire district is required under the statute to separately tender the \$100 fee. A.R.S. § 9-1007.01(B) provides:

At the time of presenting the petition to the chairman of the district board, the petitioner shall tender cash in the sum of one hundred dollars to the chairman to cover expenses incidental to the petition. The costs of publication of notice of hearing, and all expenses incidental to investigation of the petition by the district board shall be made a primary charge upon the deposit by the petitioners, and, at the time the final order is recorded in the office of the county recorder, the clerk of the board of supervisors shall file in the minutes of the board a verified account of the expenditures from such deposit . . . .

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The purpose of the cash tender, made explicit by the statute, is to cover expenses incidental to the petition, which include cost of publication of the notice of hearing and expenses necessary to investigate the petition. In many cases, numerous landowners may sign a petition. As the cost of publication and incidental investigation expenses are unlikely to exceed \$100 it would not appear reasonable to believe that the legislature contemplated requiring each signature of a petition for exclusion from a fire district to tender \$100 cash before that petition could be considered.

We find support for the conclusion set out above in A.R.S. § 9-1001(A) which only requires a \$400 cash deposit by a petitioner seeking to form a fire district, and even those costs are reimbursed if the district is formed after the election. Further, A.R.S. § 1-214(B) states that the singular use of a word in a statute also includes the plural. A.R.S. § 9-1007.01(B) uses both the singular and the plural when referring to the petitioner/petitioners so that the phrase "the petitioner shall tender cash in the sum of one hundred dollars," should be read to require such tender by the petitioners as the statute refers to payment of expenses from the deposit of the "petitioners." Thus, the single tender of \$100 cash in connection with the petition here is sufficient to require consideration of it by the fire district.

With respect to your inquiry concerning the property description, A.R.S. § 9-1007.01(C) requires that the property shall be described "by metes and bounds, or by legal subdivisions . . . ." A petition that contains a description of the property by legal subdivisions is therefore sufficient under the statute. Any description that meets the statutory requirement or specifically identifies the property is adequate. See, e.g., McAlmond v. City of Bremerton, 60 Wash.2d 383, 374 P.2d 181 (1962).

We conclude that the property description discussed above is adequate and that the single tender of \$100 cash with the petitioner is sufficient to require its consideration by the district.

Sincerely,

*Bob Corbin*

BOB CORBIN  
Attorney General